



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/384,532	08/27/1999	MASASHI KUNO	3517-45	7955

7590 10/06/2003

GERALD LEVY, ESQ.
KANE, DALSIMER, SULLIVAN, KURUCZ
LEVY, EISELE AND RICHARD
711 THIRD AVENUE
NEW YORK, NY 100174059

EXAMINER

TRAN, DOUGLAS Q

ART UNIT	PAPER NUMBER
----------	--------------

2624

DATE MAILED: 10/06/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/384,532

Applicant(s)

KUNO ET AL.

Examiner

Douglas Q. Tran

Art Unit

2624

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 August 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

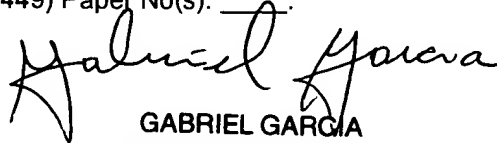
Claim(s) allowed: _____

Claim(s) objected to: _____

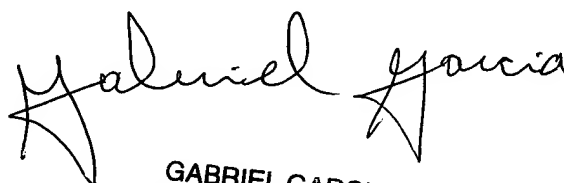
Claim(s) rejected: 1-23

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____


GABRIEL GARCIA
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: The Applicant's arguments do not overcome the rejections because the cited prior art fully discloses the claimed invention. Samuels clearly teaches the remaining ink amount is determined for the printer to complete the print operations based on the print data (col. 4, lines 6-7 and 12-14: the remaining ink amount from information of the global pixel count is determined by the comparator, this procedure is processed with the entire of the print data of the print job "col. 3, lines 40-42" at the global pixel count entity 33, the print job is not yet transferred to a printer for print operating); and a user is notified before the printer starts performing the print operations based on the print data (col. 4, lines 5-11: a signal generated which provides for notification of the user with a message displayed to the user based on the current print data of the print job "col. 1, lines 48-50" to tell the user how much toner or ink will be required and if the toner is soon expected to be empty, then the user decide to replace and/or the user decides to cancel before the printer starts printing "col. 4, lines 25-28 and col. 1, lines 58-60"). And Garr teaches determining how much ink is short when it is determined that the remaining ink amount is not sufficient, and notifying the user of how much ink is short; and displaying a preview image based on the preview data, based on the image data, and predicting the required ink amount based on the preview data (see fig. 7, col. 18, lines 15-37).



GABRIEL GARCIA
PRIMARY EXAMINER